

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:05CR4
(Judge Keeley)

DANIEL WILSON TESTERMAN,

Defendant.

ORDER GRANTING MOTION TO CONTINUE
PRETRIAL CONFERENCE AND TRIAL

On February 7, 2005, George Cosenza, counsel for the defendant, filed a motion to continue the pre-trial conference and trial in this matter. The government filed a motion to continue the motion hearing scheduled before United States Magistrate Kaull and stated it had no objection to the continuance of the pre-trial conference and trial of this matter.

The Court notes that, pursuant to Title 18, U.S.C. § 316(c)(1), the defendant filed a Waiver of Speedy Trial Rights consenting to the commencement of trial on a date that exceeds the seventy day limit.

Accordingly, the Court **GRANTS** the motion to continue the final pre-trial conference (docket #6) and motion to continue trial (docket #7).

Pursuant to the provisions of 18 U.S.C. § 3161(h)(1)(I), the period of delay resulting from the defendant's waiver shall be excluded in computing the time within which the trial of the

USA V. DANIEL TESTERMAN

1:05CR4

ORDER GRANTING MOTION TO CONTINUE
PRETRIAL CONFERENCE AND TRIAL

offenses charged in the above-styled criminal action must commence.

In accordance with the Local Rules of Criminal Procedure (L.R.Cr.P.), it is ORDERED:

(1) Rule 404(b), Giglio, and Roviaro evidence, if not already disclosed, shall be disclosed on or before June 6, 2005.

(2) The government should disclose materials described in 18 U.S.C. § 3500 (Jencks Act material) on or before June 6, 2005.

(3) All proposed voir dire questions and proposed jury instructions shall be submitted by counsel to the Court and opposing counsel on or before 5:00 p.m., June 13, 2005.

If the instructions in this case are being typed on a computer, counsel are requested to provide to the court a disk labeled as to the case name and party proposing the instructions. The envelope containing the disk should be marked "Contains Disk--Do Not X-Ray--May be Opened for Inspection." The disk will be returned to counsel if requested.

(4) All motions in limine (which must be limited to matters actually in dispute) shall be submitted by counsel to the Court and opposing counsel at least one working day before the pretrial conference.

USA V. DANIEL TESTERMAN

1:05CR4

ORDER GRANTING MOTION TO CONTINUE
PRETRIAL CONFERENCE AND TRIAL

(5) By 5:00 p.m., June 13, 2005, counsel for each party shall submit to the Court a list of probable witnesses and possible witnesses (identified as such), but not whether or not the defendant shall be a witness. The list shall state the full name and address of each witness and shall also contain a brief statement of the subject matter to be covered by each witness. Expert witnesses and record custodians shall be identified as such on the list. After the Court has received the witness lists from all parties, they shall be provided to opposing counsel.

(6) By 5:00 p.m., June 13, 2005, counsel for each party shall file with the Court and with opposing counsel a list of exhibits to be offered at trial. In addition, counsel for each party shall number the listed exhibits with evidence tags which may be obtained from the clerk and shall exchange a complete set of marked exhibits with opposing counsel (except for large or voluminous items or other exhibits that cannot be reproduced easily). L.Cr.R. 16.9.

(7) If this matter results in the formulation of a plea agreement, counsel shall submit to the Court a copy of the executed plea agreement by 5:00 p.m., June 8, 2005.

The deadlines stated in LR CR P 24.01/30.1, 16.8 and 16.9 are deadlines for hand-delivery or delivery by FAX. If the items

USA V. DANIEL TESTERMAN

1:05CR4

**ORDER GRANTING MOTION TO CONTINUE
PRETRIAL CONFERENCE AND TRIAL**

required to be served on opposing counsel are served by mail, the
deadline shall be two (2) days earlier.

(8) A pretrial conference in this case will be held before the
Honorable Irene M. Keeley on June 9, 2005, at 1:30 p.m.

(9) Jury selection in this matter will be conducted before
the Court at the following time and place:

**United States Post Office and Federal Building
500 West Pike Street
Clarksburg, WV 26301**

June 20, 2005 at 9:30 a.m.


(10) Trial will commence upon completion of jury selection.

(11) Defendant shall appear at every scheduled matter
including, but not limited to, motions hearing, pretrial confer-
ence, trial and every other proceeding.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to the
defendant, counsel of record and all appropriate agencies.

DATED: March 4, 2005.



IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE